

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CR-451-D

UNITED STATES OF AMERICA,

v.

ANTOINE LAMAR WALLACE,


Defendant.

ORDER

On December 18, 2018, Antoine Lamar Wallace (“Wallace”) moved to dismiss the indictment based on the Double Jeopardy Clause of the Fifth Amendment [D.E. 47]. On January 2, 2019, the government responded in opposition [D.E. 49].

Wallace concedes that governing precedent defeats his argument. See Heath v. Alabama, 474 U.S. 82, 88–89 (1985); Abbate v. United States, 359 U.S. 187, 194–96 (1959); United States v. Lanza, 260 U.S. 377, 382 (1922); United States v. Alvarado, 440 F.3d 191, 196 (4th Cir. 2006). The motion [D.E. 47] is DENIED.

SO ORDERED. This 9 day of January 2019.


JAMES C. DEVER III
United States District Judge